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# OVERSIGHT BOARD

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Successor Agency to the Redevelopment Agency of the City of Burbank

## STAFF REPORT

MEETING DATE: August 30, 2012

ITEM TITLE: Adoption of a Resolution Adopting a Conflict of Interest Code for the Oversight Board of the Successor Agency to the Redevelopment Agency of the City of Burbank

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### RECOMMENDATION:

Adopt a Resolution of the Oversight Board of the Successor Agency to the Redevelopment Agency of the City of Burbank adopting a Conflict of Interest Code.

### FISCAL IMPLICATIONS:

None for this action.

### BACKGROUND:

The Political Reform Act of 1974, Government Code Section 87100 et seq., requires in Section 87300 that a newly formed Board must adopt a Conflict of Interest Code promulgated by Section 18730 of Title 2 of the California Code of Regulations (Attachment A).

The attached resolution (Attachment B) adopts the Fair Political Practices Commission model code, designates the Oversight Board members as the persons required to file Form 700's, designates the reporting categories as all categories, and directs that Form 700's be filed with the City Clerk of the Burbank City Council (which is the code reviewing body). The adopted resolution needs to be submitted to the City Clerk of the City of Burbank for formal approval by the City Council in its capacity as the code reviewing body. Once adopted, staff will forward the resolution and the Oversight Board's Form 700's to the City Clerk of the City of Burbank.

The City of Burbank reviews their Conflict of Interest Code biennially as required by the State Political Reform Act and submits any changes by December of even-numbered years. The Oversight Board will be added to the City of Burbank's biennial review due in 2012 indicating the appropriate disclosure category.

ATTACHMENTS:

- A      Section 18730 of Title 2 of the California Code of Regulations
- B      Draft Resolution Adopting a Conflict of Interest Code for the Oversight Board
- C      Form 700

## ATTACHMENT A

Section 18730 of Title 2 of the California Code of Regulations

[see attached]

ATTACHMENT B

RESOLUTION

[see attached]

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE OVERSIGHT BOARD OF THE  
SUCCESSOR AGENCY TO THE REDEVELOPMENT  
AGENCY OF THE CITY OF BURBANK ADOPTING A  
CONFLICT OF INTEREST CODE FOR THE OVERSIGHT  
BOARD.

THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE  
REDEVELOPMENT AGENCY OF THE CITY OF BURBANK FINDS:

- A. The Oversight Board of the Successor Agency to the Redevelopment Agency of the City of Burbank has been appointed pursuant to the provision of Health & Safety Code Section 34179.
- B. The Oversight Board is deemed a local entity for purposes of the Political Reform Act.
- C. Pursuant to the Political Reform Act and regulations promulgated thereunder by the Fair Political Practices Commission ("FPPC"), a newly established local entity is required to adopt a conflict of interest code.
- D. The Oversight Board finds and determines that it is appropriate to adopt as its conflict of interest code the model conflict of interest code promulgated by the FPPC as set forth in this Resolution.

THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE  
REDEVELOPMENT AGENCY OF THE CITY OF BURBANK RESOLVES:

- 1. Pursuant to the Political Reform Act of 1974, Government Code Section 87300 et seq., and Section 18730 of Title 2 of the California Code of Regulations, the Board adopts the model conflict of interest code promulgated by the Fair Political Practices Commission of the State of California as set forth in Section 18730 of Title 2 of the California Code of Regulations, which model conflict of interest code is incorporated herein by reference, and which, together with the list of designated positions and the disclosure categories applicable to each designated position as set forth in Sections 3 and 6 of this Resolution, collectively constitutes the Board's conflict of interest code. As the model conflict of interest code set forth in Section 18730 of Title 2 of the California Code of Regulations is amended from time to time by State law, regulatory action of the Fair Political Practices Commission, or judicial determination, the portion of the Board's conflict of interest code comprising the model conflict of interest code shall be deemed automatically amended without further action to incorporate by reference all

such amendments to the model conflict of interest code so as to remain in compliance therewith. Nothing in the Resolution shall supersede the independent applicability of Government Code Section 87200.

2. The definitions contained in the Political Reform Act of 1974 and in the regulations of the Fair Political Practices Commission, and any amendments to either of the foregoing, are incorporated by reference into this conflict of interest code.

3. The following are the designated board positions, the holders of which shall be required to file statement of economic interest: Oversight Board Members.

4. The code reviewing body for this conflict of interest code shall be the Council of the City of Burbank. This conflict of interest code shall be promptly submitted after its adoption by the Oversight Board to the City Clerk of the City of Burbank. Statements of economic interests shall be filed by Oversight Board Members with the City Clerk of the City of Burbank.

5. The Board finds and determines that the persons holding the positions set forth in Section 3 make or participate in the making of decisions which may foreseeable have a material effect on financial interest.

6. Each person holding a designated position set forth in Section 3 shall report in every disclosure category set forth in the statement of economic interests promulgated by the FPPC to the extent such category is applicable to such person pursuant to the rules and regulations of the FPPC. The disclosure categories as promulgated by their FPPC may be amended from time to time and such amendments shall not require an amendment to this code or Resolution.

7. Sections 3 and 6 of this Resolution constitute the Appendix referred to in subdivision (b)(2) of Section 18730 of Title 2 of the California Code of Regulations.

8. Nothing contained in this Resolution is intended to modify or abridge the provisions of the Political Reform Act of 1974, Government Code Section 87000 et seq., or FPPC the regulations, Title 2 California Code of Regulations including Section 18700 et seq. The provisions of the Resolution are additional to the Political Reform Act and FPPC Regulations. This Resolution shall be interpreted in a manner consistent with the Political Reform Act and FPPC regulations. In the event of any inconsistency between the provisions of this Resolution, on the one hand, and the Political Reform Act and/or the FPPC regulations, on the other hand, the provisions of the Political Reform Act and FPPC regulations shall govern.

9. If any section, subsection, sentence, clause, or phrase of this Resolution is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Resolution. The Board hereby declares that it would have adopted this Resolution for each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared invalid.

PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2012.

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Chairman of the Oversight Board of the  
Successor Agency to the Redevelopment  
Agency of the City of Burbank

ATTACHMENT C

FORM 700

[see attached]